

Briefing Statement

Bureau: National Park Service
Issue: Proposed North Shore Road
Park Site: Great Smoky Mountains National Park
Date: March 18, 2004

Background: In the 1920's and 30's the states of North Carolina and Tennessee purchased about 1,100 tracts of private land, displacing an estimated 5,700 people, to create Great Smoky Mountains National Park. At the outbreak of World War II, the Tennessee Valley Authority (TVA) purchased about 11,800 acres of land along the Little Tennessee River for the purpose of constructing Fontana Dam to provide energy for Alcoa Aluminum as a vital part of the war effort. An additional 44,400 acres of occupied land between the planned lake and the existing Park boundary remained in private hands until July 1943, when the U.S. Department of the Interior (DOI) entered into a four-party agreement with Swain County, NC, the State of North Carolina, and Tennessee Valley Authority (TVA). Under that Agreement, TVA agreed to purchase the 44,400 acres of land because residents of those tracts would become "landlocked" as NC Highway 288, the sole road providing access to the area, would be flooded by the new lake. TVA transferred ownership of the north shore acreage to the Park. As part of the Agreement, the DOI agreed that, provided that Congress appropriated the funds, the DOI would build a new road through the Park along the north shore of Fontana Lake to replace NC 228. Work began on this north shore road in the early 1960's and approximately 7 miles of the approximately 30-mile route within the Park were completed before the construction was halted for fiscal and environmental reasons, leaving the DOI commitment unfulfilled.

During the past 24 years, a number of efforts to settle the 1943 Agreement have occurred:

- In 1980 Interior Secretary Cecil Andrus developed a proposal to satisfy the DOI commitment through a \$9.5 million cash payment to Swain County in lieu of further construction of the road and through a number of other measures, several of which were successfully accomplished. The amount of the Andrus settlement was based upon a formula to reimbursing Swain County for indebtedness incurred during the construction of old Highway 288, adjusted for inflation. Congress would need to appropriate the settlement.
- In June 1991 Senator Terry Sanford attempted to implement the Andrus settlement plan through S1339, which would have provided a \$16 million cash payment to Swain County as compensation for the (re-adjusted) value of NC 228 as a full settlement of all claims arising out of the 1943 Agreement. Senator Jesse Helms introduced other bills, in 1991, 1993, 1995, and 1996 calling for building the road, as well as providing large cash payments to Swain County as compensation for loss of the flooded road. None of them made it out of committee.
- Since 1980 the NPS position was to settle the claims arising from the 1943 agreement through a cash settlement to Swain County in lieu of the road.

The Park's 1982 General Management Plan documents the decision not to build a road through the heart of the National Park. Environmental concerns center on the strong probability that road construction would expose extremely acidic Anakeesta rock, which produces acids and heavy metals that are leached by rainfall into streams and kill aquatic life. While recent road construction has occurred on nearby Forest Service lands, concerns remain regarding road construction through Anakeesta formations. Road building, when it occurs, may cause a

reduction in wildlife in a natural area. The road would cross-successive ridges in an area containing crumbling, faulted, and unstable rock, which would require extensive cuts and fills and some lengthy bridges. The proposed road would pass through one of the largest remaining roadless areas in the eastern United States.

Current Status:

- The FY 2001 U.S. Department of Transportation Appropriation Bill provided \$16 million to build the road, although funding was not requested by the National Park Service or Department of Transportation.
- Senator Dole has stated her intent to support the position of the citizens of Swain County. Senator Edwards supports a settlement. Senator Alexander has publicly stated his opposition to the construction of the road. Congressman Charles Taylor has indicated his support for building the road.
- In February 2003, the Swain County Commission passed a resolution seeking a cash settlement of \$52 million in lieu of the road. In March 2003 the Graham County Commission passed a resolution in support of the road. Graham County was not a signatory of the 1943 Agreement. NC Governor Easley wrote to DOI Secretary Norton on September 5, 2003 urging the Secretary to support the cash settlement.
- An Environmental Impact Statement (EIS) process is underway. The Purpose and Need of the NEPA action is to identify and evaluate all alternatives that might resolve the obligations under the 1943 Agreement. A series of five sets of public meetings will be held with five meetings per set, during EIS development process. The mailing list of interested parties includes over 4,000 recipients. Public sentiment at the meetings has been divided between advocates for full construction of the road and supporters of a cash settlement. At meetings held in February and March 2004 nine preliminary study alternatives were presented including No Action, No Build, Partial Build and Full Construction actions. At the meetings the NPS proposed to shelve three alternatives without further study. Once all comments are received and evaluated the NPS will announce in April what alternatives will be studied in detail. The EIS is scheduled for completion in the winter of 2005. The EIS website is: www.NorthShoreRoad.info

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